

REMARKS

Claims 17, 27 and 32 have been amended at the recommendation of the Examiner. The Examiner indicated claims 15, 17, 25, 27 and 32 were allowable and issued a Notice of Allowance in this regard. Furthermore, claims 1-14, 16, 18-24, 26, 28-31, 33-39 have previously been cancelled without prejudice. In addition, new claim 40 has been added, identical to now cancelled claim 39, which is directed to an isolated DNA which hybridizes under stringent conditions with DNA having a nucleotide sequence ranging from the 49th to 3,183rd bases in the nucleotide sequence set forth in SEQ ID NO: 1, wherein the stringent conditions comprise a temperature in the range of that from the T_m of a hybrid completely matching nucleic acids to a temperature 20°C lower than the T_m , and the DNA encodes a protein specifically expressed in differentiated chondrocytes. Support for this claim may be found in original claim 5 and in the Specification at page 16, lines 15-21.

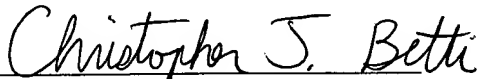
No prohibited new matter has been added by way of these amendments. Claim 40 is directed to the same invention as allowed claims 15, 17, 25, 27 and 32. Applicants request examination of claim 40 and indication that all pending claims are allowable.

If there are any other fees due in connection with the filing of this Preliminary Amendment, please charge the fees to our Deposit Account No. 50-0310. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any

overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

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